

PATENT

ATTORNEY DOCKET NUMBER: 50125/037001

Certificate of Mailing: Date of Deposit: 10/29/05

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Colleen Coyne

Printed name of person mailing correspondence

Colleen Coyne

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ingrid Jochmus et al.	Art Unit:	1648
Serial No.:	09/980,064	Examiner:	A. R. Salimi
Filed:	March 27, 2002	Customer No.:	21559
Title:	CYTOTOXIC T-CELL EPITOPES OF THE PAPILLOMA VIRUS L1-PROTEIN AND USE THEREOF IN DIAGNOSTICS AND THERAPY		

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REQUEST FOR REFUND OF OVERPAYMENT UNDER 37 C.F.R. § 1.26

Applicants, under 37 C.F.R. § 1.26, hereby request a refund of \$200.00 for the amount overpaid on October 29, 2004. This request is made within two years of the overpayment.

In the above-referenced application, an Application for Patent Term Adjustment was filed on October 29, 2004 with payment of \$400.00 (check no. 2828).

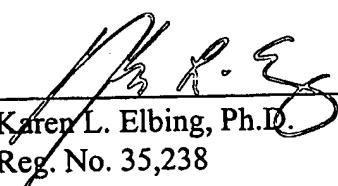
Accompanying this request is a Notice received by Applicants from the Office of
Petitions, indicating that the fee submitted for the Application for Patent Term
Adjustment was in excess in the amount of \$200.00.

Applicants request that this credit be applied to Deposit Account No. 03-2095.

If there are any charges or any credits in connection with this Request, please
apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 06 June 2005


Karen L. Elbing, Ph.D.
Reg. No. 35,238

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

F:\50125\50125.037001 Petition for Refund .doc

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BOSTON, MA 02110

CLARK & ELBING LLP

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MAY 18 2005

In re Application : OFFICE OF PETITIONS
Jochmus, et al. :
Application No. 09/980,064 : PATENT TERM ADJUSTMENT
Filed: March 27, 2002 :
Dkt. No.: 50125/037001 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705," filed November 1, 2004. This request is being treated under 37 CFR 1.704(b) as an application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is GRANTED.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 183 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

A review of the application history reveals the Office errantly entered March 11, 2004 as the date a reply to the restriction required was filed rather than May 8, 2003, the date the response initially received as indicated on the copy of the stamped and dated postcard evidencing receipt of the response by the Office.

Thus, an adjustment of 185 days under 37 CFR 1.702(a)(2) of 185 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment began September 9, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended March 12, 2004, the date of mailing of non-final Office action.

The adjustment of 185 days, however, is reduced two days under 37 CFR 1.704(b) for applicants failure to engage in reasonable efforts to conclude prosecution. The reduction began July 13, 2004, the day after the date that is three months after the date

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Application No. 09/500,064

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of mailing of non-final Office action, and ended June 14, 2004,
the date of receipt of applicants' response.

In view thereof, at the time of Notice of Allowance the
application is entitled to a patent term adjustment of 183 days
as argued by applicants.

Applicants submitted \$400.00 in connection with this matter,
however, the fee for an application for patent term adjustment
is currently \$200.00. Applicant may request a refund in writing
of the excess \$200.00 by writing to the Finance Office, Refund
Section. A copy of this decision should accompany any request
for refund.

This application is being forwarded to the Office of Patent
Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed
to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karen Ferriter

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

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ATTORNEY DOCKET NO. 50125/037001

Certificate of Mailing: Date of Deposit: October 29, 2004

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Holly Wandel

Printed name of person mailing correspondence

Holly Wandel

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: I. Jochmus et al.

Examiner: A. R. Salimi

Serial No.: 09/980,064

Art Unit: 1648

Filed: March 27, 2002

Customer No.: 21559

Title: CYTOTOXIC T-CELL EPITOPE OF THE PAPILLOMAVIRUS
L1-PROTEIN AND USE THEREOF IN DIAGNOSTICS AND
THERAPY

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APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Determination of Patent Term Adjustment under 35 U.S.C.

§ 154(b) mailed with the Notice of Allowance on July 30, 2004 in connection with the above-captioned patent application, Applicants hereby request reconsideration of the patent term adjustment. Applicants submit that the current patent term adjustment should be 183 days.

The rules governing patent term adjustment due to examination delay are provided for in 37 C.F.R. § 1.702, which states:

11/02/2004 DEMMANU2 00000035 09980064

03 FC:1456 400.00 OP

Adjustment date: 07/15/2005 SDIRETA1
11/02/2004 DEMMANU2 00000035 09980064
03 FC:1456 -400.00 OP

|| 07/15/2005 SDIRETA2 00000001 09980064

01 FC:1455 200.00 OP

Ref#: 07/15/2005 SDIRETA1 0012453800
Date: 07/15/2005 Name/Number: 09980064
\$200.00 CR
DAB: 032095 FC: 9204

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correct patent term adjustment is 185 days for Office delays reduced by the Applicants' delay of 2 days, which yields a patent term adjustment of 183 days.

In view of the above facts, this application is currently entitled to 183 days of patent term adjustment under 37 C.F.R. § 1.703.

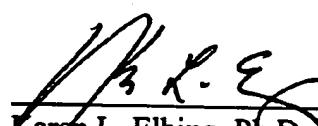
CONCLUSION

Applicants submit that the current patent term adjustment should be 183 days and request reconsideration of the patent term adjustment.

Enclosed is a check in the amount of \$400.00 for the fee set forth in 37 C.F.R. § 1.18(f). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 29 October 2004


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